

Standards Committee – 19 March 2013

Minutes of a meeting of the Standards Committee held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 19 March 2013 at 2.30 p.m.

Present: Councillor Wren (Chairman)
Councillors Gaines, Tooze and A Wedderkopp
Louise Somerville-Williams (Independent Person)
Michael Marshall and Bryn Wilson (Parish Council Representatives)
Terry Bowditch, Adrian Cox and Anne Elder (Co-opted members of the Committee)

Officers: Tonya Meers (Monitoring Officer), David Greig (Parish Liaison Officer) and Richard Bryant (Democratic Services Manager and Corporate Support Lead)

Also present: Lynn Rogers

9. Welcome

The Chairman welcomed the Council's Independent Person, Louise Somerville-Wright to her first meeting of Taunton Deane's Standards Committee.

10. Apologies

Councillor Mrs Allgrove and Linda Williams (Reserve Independent Person).

11. Minutes

The minutes of the previous meeting of the Committee held on 7 February 2013 were taken as read and were signed.

12. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor A Wedderkopp declared a personal interest as a member of Wessex Water's Environmental Panel. Anne Elder, declared personal interests as a Public Governor of the Taunton and Somerset NHS Trust and as a Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution. Terry Bowditch declared a personal interest as he was currently working for the South West Audit Partnership.

13. Dispensation Process

Considered report previously circulated, concerning The Localism Act 2011 which had made significant changes to the provisions of granting

dispensations.

A dispensation could be granted in the following circumstances:-

- (i) That so many members of the decision-making body had Disclosable Pecuniary Interests (DPIs) in a matter that it would “impede the transaction of the business”. In practice this meant that the decision-making body would be inquorate as a result;
- (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (iii) That the authority considered that the dispensation was in the interests of persons living in the authority’s area;
- (iv) That, without a dispensation, no member of the Executive would be able to participate on this matter; or
- (v) That the authority considered that it was otherwise appropriate to grant a dispensation.

Any grant of a dispensation had to specify how long it lasted for, up to a maximum of 4 years.

The Local Government Act 2000 had required dispensations to be granted only by the Standards Committee but the Localism Act now gave discretion for this power to be delegated to either the Standards Committee or a Sub Committee, or to the Monitoring Officer.

In July 2012 Full Council had approved delegation of Grounds (i) and (iv) above to the Monitoring Officer as it was thought that they were fairly objective with an appeal to the Standards Committee. This enabled dispensations to be granted “at the door of the meeting”.

However Grounds (ii), (iii), and (v), were deemed to be more objective and therefore remained with the Standards Committee, after consultation with the Independent Person.

Further reported that a motion was put to Full Council in October last year where a number of Members were unable to speak due to having DPIs.

It was noted that a dispensation could possibly have been given under (iii) above, however, due to the timing of the Council meeting insufficient time existed to request a dispensation from the Standards Committee due to the statutory timescales required to give notice of meetings.

Noted that if the Monitoring Officer had had delegated authority to grant a dispensation to allow those Members with a DPI to make statements or representations, answer questions, or give evidence where it was believed

that it was in the interests of the persons living in the authority's area then the Full Council meeting would have had the benefit of knowledge from those affected Members. Such a dispensation would only be granted following consultation with the Independent Person.

Noted that it was not envisaged that the Monitoring Officer should be able to grant a dispensation allowing a Member to vote in those circumstances and should the Member wished to vote then the application for a full dispensation should still be made to the Standards Committee.

In the circumstances, the Committee was asked to decide whether to grant the above delegation to the Monitoring Officer to enable a Member with a DPI to take part in a meeting without being in breach of the Localism Act 2011 and thus commit a criminal offence.

The report also included as an Appendix the revised application and guidance on granting dispensations for the information of Members.

During the discussion of this item, it was generally agreed that the granting of dispensation (iii), on the limited basis described, should also be delegated to the Monitoring Officer. It was also agreed that requests for dispensations to the Standards Committee should be submitted

Resolved that:-

- (i) The proposed change to the delegation to the Monitoring Officer in respect of dispensation (iii) be agreed; and
- (ii) As a consequence, the 'Guidance on Dispensation Requests' set out in the Appendix to the report be re-drafted by the Monitoring Officer, in consultation with the Chairman:-
 - to require dispensation requests for the Standards Committee (Nos (ii) and (iv) and (iii) where a Member wished to vote), to be submitted not less than **10 clear days** prior to the date of the meeting to which the dispensation request related;
 - to require dispensation requests for the Monitoring Officer (Nos (i) and (v) and (iii) where a Member did not wish to vote), to be submitted not less than **5 clear days** prior to the date of the meeting to which the dispensation request related; and
 - to provide a clear distinction on the request form as to whether the dispensation sought the right to speak only or to speak and vote.

14. Annual Governance Statement

The Monitoring Officer, Tonya Meers, reported that as part of the Council's accounts an Annual Governance Statement had to be submitted.

In previous years the Corporate Governance Committee had been asked to consider the Governance Statement before it was signed off by the Leader of the Council and the Chief Executive.

However, due to the changes to the Standards regime the Monitoring Officer considered that it would be appropriate for the new Standards Committee to be made aware of the Annual Governance Statement and also to provide any comments to the Monitoring Officer that they felt were appropriate to be considered in drafting this year's statement.

During the discussion of this item, Members agreed that a process for reporting back whether the points listed in the action plan had been met should be introduced. It was also felt that there was a need for more positive PR to be undertaken in respect of things within the action plan that had been accomplished.

15. Arrangements for dealing with complaints under the Standards Regime

Mrs Meers reported that the arrangements for dealing with complaints under the revised Standards regime were approved by Full Council in July 2012. A copy of those detailed arrangements were appended to the report.

Reported that at the last meeting of the Standards Committee, Members had requested the Monitoring Officer to look at whether a 'Frequently Asked Questions' document could be produced to assist members of the public.

Mrs Meers had reviewed the content of the Appendix containing the arrangements for dealing with complaints and believed that the process was clearly set out. However, any additional comments from the Committee would be taken into account before the arrangements were published on the Council's website.

Members asked if a further Complaints leaflet was going to be drafted. The Democratic Services Manager, Richard Bryant, confirmed that it was intended to produce a revised version of the Complaints leaflet which would be available at the main Reception Desk and would be circulated to Parish Councils too.

16. Complaints received under the new Standards Regime

Mrs Meers reported that only one complaint had been received by the Council since the introduction of the new Standards regime.

The matter raised had been resolved to the complainant's satisfaction without the need for any formal investigation.

Resolved that the report be noted.

17. Date of next meeting

The next meeting would be held on Tuesday, 21 May 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.37 p.m.)